

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 12, 2001

IN RE:)	
)	
SECOND COMPLAINT OF DISCOUNT)	DOCKET NO.
COMMUNICATIONS AGAINST BELL SOUTH)	00-01151
TELECOMMUNICATIONS, INC.)	

**ORDER HOLDING IN ABEYANCE DISCOUNT
COMMUNICATIONS' MOTION TO CONTINUE SERVICE
AND APPOINTING HEARING OFFICER ON THE MERITS**

This matter came before the Tennessee Regulatory Authority (the "Authority" or "TRA") at a regularly scheduled Authority Conference held on January 9, 2001, upon the *Motion of Discount Communications to Require BellSouth Telecommunications, Inc. to Continue Service Pending Resolution of this Proceeding* ("Motion to Continue Service").

On December 29, 2000, Discount Communications ("Discount") filed its *Second Complaint against BellSouth Telecommunications, Inc.*, stating that this complaint was being filed in response to an Order of the United States Bankruptcy Court for the Western District of Tennessee, which "directed Discount to file by the end of the year 'a formal complaint with the TRA asserting any and all unresolved billing disputes' which are 'subject to the jurisdiction of the TRA.'" ¹ On January 5, 2001, Discount filed its Motion to Continue Service which stated that on January 3, 2001, Bankruptcy Judge William Houston Brown had orally announced that he had decided to lift the automatic stay which prevented BellSouth Telecommunications, Inc. ("BellSouth") from terminating service to Discount. According to the Motion to Continue

¹ Second Complaint of Discount Communications Against BellSouth Telecommunications, Inc. (December 29, 2000) p. 2.

Service, the Court's decision would not become effective for ten (10) days thereby permitting the parties to return to the Authority "so that the agency could decide what further action, if any, to take regarding the billing issues raised by Discount."² Because, according to Discount, the Court's decision would become effective within ten (10) days, Discount requested that the Motion to Continue Service be considered by the Directors at the January 9, 2001 Authority Conference or at a specially set Conference during the week of January 8, 2001.

Pursuant to the emergency request of Discount, the Authority took up the matter under Miscellaneous Business during the January 9, 2001 Conference. BellSouth argued that it had not received sufficient notice to address the Motion at the Conference and that it was entitled under the Authority Rules to seven (7) days to respond to the Motion. BellSouth stated that the Bankruptcy Court's decision would not become effective until ten (10) days after the date of issuance of a written order. According to BellSouth, a proposed order had not yet been sent to the Court. Counsel for Discount agreed with BellSouth's statements concerning the effectiveness of the Court's decision.

Having been advised by the parties that the Court's decision to lift the automatic stay would become effective ten (10) days after entry of a written order and not ten (10) days from January 3, 2001, the Directors voted unanimously to hold in abeyance the Motion to Continue Service. BellSouth advised the Authority that it would take no action to terminate service of Discount before the Directors would meet again at the Authority Conference scheduled for January 23, 2001.

After determining to hold the Motion to Continue Service in abeyance, the Directors addressed the Second Complaint of Discount and voted unanimously to appoint General Counsel or his designee to act as Hearing Officer in this matter, to make findings of fact and conclusions

² Discount's Motion to Continue Service (January 5, 2001), p. 1.

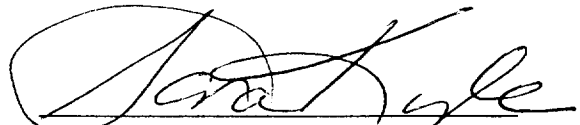
of law, as necessary, and to render an initial decision on the merits of the Second Complaint, pursuant to Tenn. Code Ann. §§ 4-5-301 and 65-2-111.


IT IS THEREFORE ORDERED THAT:

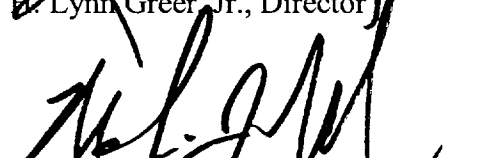
1. Discount's Motion to Continue Service shall be held in abeyance pending entry of a written order by the United States Bankruptcy Court, Western District of Tennessee, reflecting its decision of January 3, 2001 relative to the automatic stay.

2. BellSouth will take no action to terminate service to Discount until after the Directors meet at the January 23, 2001 Authority Conference.

3. The General Counsel or his designee is appointed Hearing Officer in this matter and is hereby directed to make findings of fact and conclusions of law, as necessary, and to render an initial decision on the merits of the Second Complaint, filed December 29, 2000, pursuant to Tenn. Code Ann. §§ 4-5-301 and 65-2-111.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary